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*Europe in Perplexity:
How to Cope with the EU's External Action*

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These monographic papers address issues relevant to the ongoing European Convention which will conclude in the Spring of 2003. The purpose of this Convention is to submit proposals for a new framework and process of restructuring the European Union. While the European Union has been successful in many areas of integration for over fifty years, the European Union must take more modern challenges and concerns into consideration in an effort to continue to meet its objectives at home and abroad. The main issues of this Convention are Europe's role in the international community, the concerns of the European citizens, and the impending enlargement process. In order for efficiency and progress to prevail, the institutions and decision-making processes must be revamped without jeopardizing the founding principles of this organization. During the Convention proceedings, the Jean Monnet/Robert Schuman Papers will attempt to provide not only concrete information on current Convention issues but also analyze various aspects of and actors involved in this unprecedented event.

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12. Russia: a member of the European Union? Who would be interested in this association?

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**Europe in Perplexity:
How to Cope with the EU's External Action**

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EUROPE IN PERPLEXITY: HOW TO COPE WITH THE EU'S EXTERNAL ACTION

European integration is an ongoing process. Nobody knows the final stage of the process but everybody seems to realize at present that getting farther with a wide Europe (twenty-five in May 2004 and thirty-three sometime in the future, including the Balkans and Turkey) is going to be more difficult than any time before. Recent experiences seem to reveal the present complexity, and even, perplexity: the Old versus New Europe cleavage, the medium size (Spain, Poland) blockers of the Constitution process, and the Franco-German axis turned into saboteur of the Stability Pact.

The Nice European Council in December 2000 was the point of departure of the present perplexity situation. Due to the fact that the summit was unable to agree on the institutional arrangements necessary for the enlargement, the “fuite en avant” mentality rose among the tired Europeans. Therefore, the Fifteen, unable to agree on institutional matters, agreed to initiate a wide and long-term debate on the future of Europe (Declaration 23). Moreover, the debate on the future of the EU, which formally began in March 2001,¹ changed the nature of the reform. Instead of attempting to reorganize the EU over the short-term, it envisaged a long-term EU reform with a European Constitution and with the participation of a wider spectrum of actors (Convention method).

The debate on the future of Europe tried to provide an answer to all of the open questions about how, where and which goals the European Union should fulfill. In order to become a wide as well as in-depth debate, the IGC 2003 was preceded by a Convention which was set up by the 2001 Laeken European Council in order to identify and come forward with recommendations on the key issues for the Union's future development. In this sense, the European Convention² worked for fifteen months to reach a consensus on a draft treaty establishing a Constitution for Europe.

Some partners seemed to think that the future of the EU relied on reaching a firm agreement on the reform of the Common Foreign and Security Policy (CFSP) and the construction of a European Security and Defense Policy (ESDP). Although these issues did not form part of the “hard core” of the Declaration 23 of the Nice Council, it did become a fundamental question in the Laeken Declaration, the foundation stone of the

¹ In fact, the Treaty of Nice in its declaration 23 had envisaged the debate on the future of the European Union in three phases. The first one consisted in a phase of open and national debate that lasted until the Laeken European Council. Thus, in March 2001 started the second phase, a more structured phase determined by the European Convention. The final one was, of course, the IGC.

² The European Convention was composed of the main parties involved in the debate on the future of the European Union. Apart from the Chairman, Valéry Giscard d'Estaing, and the two Vice-Chairmen, Giuliano Amato and Jean-Luc Dehaene, the Convention was composed of 15 representatives of the Heads of State or Government of the Member States (one from each Member State), 13 representatives of the Heads of State or Government of the candidate States (1 per candidate State), 30 representatives of the national parliaments of the Member States (two from each Member State), 26 representatives of the national parliaments of the candidate States (two from each candidate State), 16 members of the European Parliament and 2 representatives of the European Commission. Furthermore, the Laeken Declaration provided for the candidate States to take a full part in the proceedings without, however, being able to prevent any consensus which may emerge among the Member States.

Convention on the future of Europe. On the one hand, the international context shaped by the September 11 terrorist attacks and the increasing feeling of insecurity among the European citizens and, on the other hand, the most ambitious enlargement of the EU foreseen for 2004 and the necessity of a long-term reform of its institutions required a redefinition of the role of the EU. In this sense, the Laeken Declaration advanced one of the central questions for the construction of a renewed Foreign Security and Defense Policy: “What is Europe’s role in this changed world?” Furthermore, the same declaration asserted that the citizens “want to see Europe more involved in foreign affairs, security and defense, in other words, greater and better coordinated action to deal with trouble spots in and around Europe and in the rest of the world”. In fact, 67% of Europeans claimed to be in favor of a common foreign policy for European Union Member States as the last *Eurobarometer* of Spring 2003 showed,³ a constant feature, since at least since 1994.⁴

Yet in the second plenary session of the Convention, in April 2002, Commissioner Michel Barnier started his participation with a polemical declaration claiming that the EU would have to deal with the matters that preoccupy the European public opinion. In this sense, the French Commissioner defined the “new borders” of the Union as the real concerns of the citizens, and among them, he pointed out the Common Foreign, Security and Defense Policy of the Union.⁵ Consequently, the reform of the CFSP and the boost for the construction of the ESDP became some of the most significant policies to be developed in the Convention’s proposal to the IGC for the new EU Treaty.⁶

The aim of this paper is to analyze the main agreements on the EU’s External Action decided within the European Convention and the IGC taking into account why, how and who reached the consensus. In other words, this paper will try to assess how successful the reform process has been in trying to improve the instruments of the EU’s External Action in order to confront its main challenges in terms of authority, coherence, visibility, efficiency and credibility.

Authority and Coherence

In order to transform the EU into an actor with international presence, the Union needs a clear and widespread legal competence to act, and a clarification of the formulation and articulation of the European foreign policy. “It is necessary to highlight the importance

³ Standard *Eurobarometer* 59, Spring 2003, page 12.

⁴ The same *Eurobarometer* shows that, in the 1994-2003 period, citizen support for a common foreign policy has remained stable from 63% to 67%.

⁵ “Monsieur Michel Barnier, commissaire européen responsable de la politique régionale et de la réforme des institutions. Note d’intervention –Convention Européenne Parlement Européen”, Brussels, DN: Speech/02/155, 15 April 2002.

⁶ The European Convention worked in different ways along the fifteen months of works (March 2002 – July 2003). First, the conventionists met in the monthly plenary sessions to present their general positions on the future of Europe. Second, the different working groups focused on several specific subjects, for example, the Working Group on External Action chaired by Jean-Luc Dehaene, and the Working Group on Defense chaired by Michel Barnier. Lastly, the final plenary debates started to work on the draft articles of the Constitution written by the Praesidium. All this process contributed to reach a wide consensus on the Draft Treaty, presented by Giscard d’Estaing to the Italian presidency of the European Council on 18 July 2003.

of setting up the Constitutional foundations so as to reinforce the external action. Not only is the will of the Member States basic for an effective European foreign policy, but also the experience shows that the rules comprised in the treaties have acted as a catalyser for the establishment and consolidation of the common policies” (Aldecoa, 2003: 5; Thym, 2003: 1-2). Until now, the lack of legal personality and the wide and dispersed range of policy instruments affecting the EU’s External Action made it difficult for the Union to act with authority and coherence in its projection abroad.

The European Convention easily reached a consensus on the establishment of a legal personality for the EU and, consequently, on the disappearance of the three-pillar structure introduced by the Treaty of Maastricht. The consensus in the legal personality established in the draft treaty has been one of “the most valuable consensus of the Convention that it has been able to agree it in a few months after the incapacity of the last two IGCs” (Aldecoa, 2003: 7-8). In other words, the present situation, in international (counter-terrorist era) and European (enlargement) terms, has made obvious what in the past was difficult to accept: the legal personality of the Union. Thus, the EU will finally have a formal or legal competence to act in international forums. This should ensure that the future international actions of the Union prove its worldwide authority.

On the other hand, one of the most repeated demands on the Union’s External Action is the need to ensure better coherence between the different foreign policy provisions: the Common Foreign and Security Policy, the Common Security and Defense Policy, the Common Commercial Policy and the Cooperation with third Countries and the Humanitarian Aid. Indeed, this demand became clear in the first months of work of the European Convention,⁷ when the classical cleavage of intergovernmentalism *versus* the Community method reappeared. Some of the members of the Convention demanded an extension of the Community method to the CFSP, excepting, of course, in the military and defense area. Germany, Austria, Luxembourg and Finland defended the progressive communitarization of the CFSP while other States such as France, Britain, Ireland and Sweden rejected this possibility.

With the goal of ensuring coherence in mind, the Union’s External Action Title collects all the provisions of these different policies. Even if “bringing the articles together improves transparency, each policy area is subject to different rules and instruments which impedes transparency” (Cameron, 2003: 15). More important than the policies and functioning of the Union, is the Constitution where there is a specific mention of the Union’s guiding principles on external affairs and detailed provisions for implementing CFSP and ESDP. In addition, it is noteworthy the constitutionalization of the EU’s special relationship with neighboring States is noteworthy, proposing the implementation of specific agreements with the immediate environment.⁸ In other

⁷ The plenary session of 11-12 July 2002 is noteworthy in that the conventionists started to debate on the EU External Action. See: EUROPEAN CONVENTION, *Summary Report of the Plenary Session*, Brussels, CONV 200/02, 16 July 2002.

⁸ The article “The Union and its immediate environment” is the result of a widespread debate initiated by Javier Solana and Christopher Patten with the joint letter “Wider Europe”. This idea was developed by Valéry Giscard d’Estaing as well as Romano Prodi in both proposals of the preliminary draft constitutional treaty. See: PRAESIDIUM, *Preliminary Draft Constitutional Treaty*, Brussels, CONV 369/02, 28 October 2002; EUROPEAN COMMISSION, *Contribution to a Preliminary Draft Constitution of the European Union*, Brussels, 5 December 2002.

words, the Union looks for ways to legitimate its borders, delimited by the current enlargement. The feeling of exclusion created among those European countries not incorporated into the enlargement agenda (Ukraine, Belarus, and Moldova) could generate serious problems for the Union in terms of legitimacy and authority. The European Union has been living for years in a rhetorical trap, considering itself the representative of all the Europeans. The present situation could be either a trap for the Union, the feeling of exclusion among the neighbors, or, on the contrary, a window of opportunity for the neighbors, translated into the new notion of a “Wider Europe”.

Visibility

It was widely agreed that one of the main improvements that the European Convention would have to face up, was the visibility of the European External Representative. In fact, the success of the High Representative for the CFSP, with Javier Solana in this post since 25 November 1999, boosted the reform of this figure into another more visible one.

As far as the reform of Mr. PESC was concerned, several options were considered all along the fifteen months of the Convention. “Against the advice of both Solana and Patten, who argued that the present system, although not perfect, worked well, the Convention agreed to establish a new position of EU foreign minister with two hats” (Cameron, 2003: 15). Even if the Working Group on External Action argued different solutions, the proposal of merging the HR for the CFSP and the Commissioner for External Relations obtained progressively larger support. It can be affirmed that this idea came fundamentally from the Franco-German contribution on the new institutional architecture of the EU⁹ included as well in the subsequent Anglo-Spanish one.¹⁰ Thus, all the members of the Convention accepted the *double hatting* of the new Minister being at the same time one of the Vice-Presidents of the European Commission in charge of handling external relations as well as coordinating other aspects of the Union’s external action such as the Council of Ministers of Foreign Affairs. Finally, the work of the IGC helped to clarify the provisions on the Union Minister for Foreign Affairs suggesting additional adjustments in order to meet concerns from some delegations on this issue while fully maintaining the concept of double hatting.¹¹ At the same time, it should be highlighted that the Union Minister will be able to submit proposals to the Council of Ministers relating to the common and foreign and security policy, meanwhile “the Commission loses its previous right of initiative (an initiative it hardly ever used)” (Cameron, 2003: 16).

For further information see: Soler i Lecha, E. (2003), “Periferia y Vecindad: Nuevos aires en las relaciones euromediterráneas”, *Ágora Revista de Ciencias Sociales*, nº 9, pp. 73-86.

⁹ See: “*Franco-German Contribution to the European Convention concerning the Union’s institutional architecture*”, Contribution submitted by Dominique de Villepin and Joschka Fischer, members of the Convention, Brussels, CONV 489/03, CONTRIB 192, 16 January 2003.

¹⁰ The Anglo-Spanish contribution was presented as a counterbalance to the emergent Franco-German axis. See: “*The Union’s institutions*”, Contribution by Ana Palacio and Peter Hain, members of the Convention, Brussels, CONV 591/03, CONTRIB 264, 28 February 2003.

¹¹ It is worth mentioning the role of the Italian Presidency (Second Semester 2003) in the works of the IGC being not a proposal maker but a “gap- filler”.

In order to assist the Union Minister to perform his or her duties, the draft treaty foresees the creation of a European External Action Service.¹² However, some academics criticized the different staffing systems of this new Service composed of officials from the General Secretariat of the Council, of the Commission and from national diplomatic services. Christopher Hill admits that there exists one glaring problem: “The Foreign Minister is going to be appointed without a Ministry to back him or her up, and indeed without a set of embassies in the field” (Hill, 2003: 2). Regarding this question, the European Convention reached easily a consensus on turning the Commission delegations into delegations of the EU. On the other hand, despite the Working Group’s proposal of creating an EU diplomatic academy, which received Spanish support,¹³ the reluctance of some Member States led by the United Kingdom made it impossible (Aldecoa, 2004: 11). However, the other instruments presented here might be useful for reinforcing the ‘EU diplomatic corps’ and for helping the new Minister for Foreign Affairs to achieve the long-term EU goal of ‘speaking with one voice’ in international affairs. Two comments can be made in regard with the figure of the future Minister: first, the “Solana experience” can be a good example of what most of the members expect from the future Minister, and second, the creation of that figure will bring a difference, mostly for the Commission. In other words, a future scenario of a reinforced Solana, for five more years, and an eroded Commission in the field of external relations is quite plausible.

Efficiency

One of the most discussed questions in the debate on the future of Europe was how to enhance efficiency in the enlarged EU. It was widely admitted that the Union would have to change and simplify the rules of decision making so as to continue with the process of European integration. What is more, the threat of a paralysis of the integration process due to the veto right of any Member State boosted the simplification of the rules of the EU. In this sense, the dilemma of enlarging the Qualified Majority Voting (QMV) in CFSP was present throughout the Convention debate.

Despite the recommendations of Working Group VII of a maximum use of existing provisions for the QMV “in order to avoid CFSP inertia and encourage a proactive CFSP”,¹⁴ the plenary of the European Convention opted to hold the rule of unanimity on CFSP. Not only was the Working Group on External Action in favor of the use of QMV, but France, Germany and Spain also supported it. It was again the UK’s veto that caused the return to the unanimity as a general rule of decision-making in CFSP provisions. Then, the European decisions shall be adopted by the European Council and the Council of Ministers unanimously but abstention is still possible by making a formal declaration, as the Treaty of Amsterdam introduced. However, a new provision was added to the draft treaty. It foresees the possibility that the European Council may decide unanimously that some aspect of the CFSP can be developed by the

¹² See: “Declaration on the creation of a European External Action Service” in the General and Final Provisions of the Draft Treaty establishing a Constitution for Europe, CONV 850/03.

¹³ See: “*Debate on Europe’s future*”, Contribution submitted by Gabriel Cisneros Laborda, member of the Convention, and Ana Palacio and Alejandro Muñoz Alonzo, alternate members of the Convention, Brussels, CONV 690/1/03, CONTRIB 306, 28 April 2003.

¹⁴ See: EUROPEAN CONVENTION, *Final Report of Working Group VII on External Action*, Brussels, CONV 459/02, 16 December 2002.

Council of Ministers for qualified majority. Indeed, this so-called “passerelle clause” may become a good instrument to tone down the unanimity rule imposed by above all the more awkward partners.

Nevertheless, as Fraser Cameron affirms, the principle weakness of the new treaty is that “with 25 plus Member States, the retention of the veto in CFSP could be a recipe for indecisiveness and inaction” (Cameron, 2003: 16). Ironically we can affirm that the final agreement of the Convention resulted in a cocktail of the Amsterdam and Maastricht treaties, in fact, more complicated than ever. In other words, the Constitution shows in this point the inability of the European governments to fulfill one of the main expectations of the current process of reform: approaching the Union to the citizens, making clear and legible rules.

Credibility

The division of the EU Member States before the Iraq conflict in March 2003 showed once more the divergences between the members of the European club relating to a sensitive question of the international agenda. Meanwhile current agenda issues, such as the military missions in the Balkans,¹⁵ prove that the European construction in the field of foreign policy goes on. And, of course, these difficulties in presenting a European position often cause a feeling of lack of credibility among the main international actors towards the EU’s External Action. However, a majority of Member States felt that the moment to build once and for all a European Defense had arrived. Hence, the construction of a European Security and Defense Policy has become one of the questions agreed in the IGC negotiations. Indeed, “the current agreement taken within the framework of the IGC seems to improve, even more, the text of the Convention as far as ESDP clauses was concerned” (Aldecoa, 2004: 18). Due to the intergovernmental character of this policy, the positions of the governments of the Member States have been decisive to reach a consensus on the Defense provisions of the new treaty.

Before analyzing the main new features of ESDP, we must point out that “the debate revisited historical divisions between those who saw defense as primarily an issue for NATO, and those who saw the development of an autonomous defense capability as a legitimate component of European integration” (Duke, 2003: 4). Hence, the enduring Atlanticism *versus* Europeanism cleavage (Barbé, 1997: 144) determined the process of construction of the European Defense, from the beginnings of the Convention to the final version of the Constitutional Treaty within the IGC, greatly influenced by the parallel summits between France, Germany and Britain. Let us examine the main progress in the construction of the European Defense.

First, the agreement among the Member States on setting up the planning cell at SHAPE -NATO’s military Headquarters- symbolized the acceptance that the European Defense had to be coordinated with the North Atlantic Alliance.¹⁶ This progress was only achieved, according to the well-known Moravcsik approach (1999), when the three

¹⁵ The EU took responsibility for its first military mission (Operation Concordia) in the former Yugoslav Republic of Macedonia, launched on 31 March 2003. This EU-led operation followed a NATO operation and made use of the Atlantic Alliance sets and capabilities.

¹⁶ “Blair accepts European Defence deal,” *The Guardian*, 29 November 2003; “Francia, Alemania y Reino Unido acuerdan una defensa europea coordinada con la OTAN,” *El País*, 29 November 2003.

big States, France, Germany and Britain met to agree and plan the European Defense project. Observing how the debate on this matter has evolved, the first conclusion we can draw is that France and Germany were not able to build a European defense policy without the United Kingdom. Therefore, since the differences between the Franco-German axis and Britain were narrowed, the initiative of an autonomous defense with an EU operational planning staff at Tervuren proposed by France, Germany, Belgium and Luxembourg¹⁷ (the so-called chocolate summiteers) did not prosper. Finally, the progressive rapprochement between the big three made it possible to agree to a European defense reducing the expectations of the Tervuren summiteers. Or, as González Bondia affirms, “this agreement proves the hegemonic role of the three powers relating to European security” (González Bondia, 2003, 2). Meanwhile the United Kingdom accepted to commit itself to a greater EU role in defense, and France and Germany acceded, instead of creating an independent military headquarter, to take part in the NATO Headquarters in Belgium. With respect to the other Member States' positions, Spain insisted on the compatibility between the NATO and the idea of a European defense as well as the possibility of maintaining the (structured) cooperation on defense open to accepting the accession of any Member State at any time.¹⁸ On the other hand, it is worth noting that “the Union's smaller members have generally been prepared to follow the lead of London, Paris and Berlin on defense, despite their general suspicion of domination by the big three” (Grant, 2004: 2008).

Second, the question of allowing a sort of enhanced cooperation on defense matters as the Treaty of Amsterdam had formulated and reformed by Nice, was widely debated throughout the European Convention as well as during the IGC. The Treaty finally created the ‘structured cooperation’ consisting of the possibility for the Member States which fulfill high military capabilities to enter into a more binding commitment on Defense than the new ESDP foresees in the EU treaties. The final provisions on the structured cooperation are the result, as well, of the compromise of the big three. Moreover, for the moment, France, Germany, Britain and Italy are the only ones who fulfill the needed high military capabilities while the others will have to improve theirs if they want to get involved. Hence, instead of containing a list of State participants, the treaty will remain open to accept the accession of any Member State to the structured cooperation at a later stage if it wishes. This clause is very convenient for countries, such as Spain, that want to be in the hard core of the defense policy but does not currently fulfill the conditions.

Last, the new clause on ‘closer cooperation on mutual defense’, accepted by all the Member States including the neutral ones,¹⁹ establishes that the Member States will be obliged to give aid and assistance to another if any one is victim of armed aggression on its territory. In fact, this provision was only possible due to the British compromise to the EU Defense exposed in the trilateral summit. However, the last amendments add

¹⁷ These four countries met in Brussels on 29 April 2003 with the aim of starting to design a European Defence Policy. This policy should be autonomous from the NATO operations with its own operation planners (Fernández Sola, 2003). This first proposal did not receive the support of Britain or Spain.

¹⁸ See: “Schröder busca apoyo de Aznar para su plan de defensa europea,” *El País*, 4 November 2003; “España se incorpora al proyecto de defensa europea con Francia, Alemania y Reino Unido,” *El País*, 7 November 2003.

¹⁹ Finland, Ireland, Austria and Sweden demanded to add to the new version of this article that the means to give aid and assistance would be military or by other means such as civilian ones. See: “*IGC 2003: European Security and Defence Policy*”, Letter from the Ministers of Foreign Affairs of Finland, Ireland, Austria and Sweden, Brussels, CIG 62/03 DELEG 30, 5 December 2003.

to the European Convention's provision that when certain Member States are also NATO members, their commitments and cooperation will be taken under this organization's rules, because it remains "the foundation of their collective defense and the forum for its implementation". At this point, it must be underlined that one of the main achievements of the Spanish delegation has been the inclusion of the fight against terrorism as a primary objective of the ESDP. Since the beginning of the European Convention that coincided with the Spanish Presidency of the EU²⁰ (First Semester 2002), this country worked for this inclusion which finally the Sevilla European Council (June 2002) as well as the European Convention assumed as a task of the future Common Security and Defense Policy.

Complexity and pragmatism are the two words that best define the results of the reform process in relation with the ESDP. The agreement between the three big seems to suggest the end of the Atlanticism vs. Europeanism cleavage in defense matters. It is too early to make such an assertion, but the point is that the whole institutional structure of security is changing, mostly the Atlantic Alliance being transformed into a "box of tools". In other words, it is not the European Union that changes in defense matters; it is the external world that changes. Is it maybe that the changes outside the Union have facilitated the agreements inside the Union?

Conclusions

The IGC did not reach an agreement on the Constitutional Treaty that would have to substitute the Treaty of Nice in the Brussels European Council on 12-13 December 2003. Thus, for the moment, all the provisions concerning the reform of the CFSP and the construction of a ESDP are paralyzed. Until the Member States reach an agreement on the vote weighting within the Council of the EU,²¹ the treaty establishing a Constitution for Europe will not be concluded.

In spite of this lack of agreement on specific issues, we can affirm that the agreement on External Action provisions arrived on time. As far as its negotiation process is concerned, some commentators asserted that "the EU foreign policy is subject to two contradictory realities. The EU has experienced the biggest row over a major foreign policy issue in decades. And yet a more credible EU foreign policy is slowly taking shape" (Everts and Keohane, 2003: 2). Hence, some significant steps in decisive issues were taken whereas the lack of consensus did not allow for advances in other matters.

Undoubtedly, the main symbolic steps in the construction of the EU's External Action are the establishment of a legal personality for the EU and the conversion of the

²⁰ For an extensive analysis of the 2002 Spanish Presidency see: Barbé, E. (coord) (2002), *España y la política exterior de la UE. Entre las prioridades españolas y los desafíos del contexto internacional*, Quaderns de treball nº 40, IUEE, November 2002.

²¹ The proposal of the European Convention about taking decisions by a qualified majority consisted of the majority of Member States who represent at least three fifths of the population of the Union. This proposal resulted to be the main conflict among some of the Member States in the IGC negotiations. France and Germany gave their support to this proposal while Poland and Spain refused it, opting for retaining the voting system of Nice. The disagreement on the voting system in the European Council of 12-13 December 2003 caused the failure in concluding the ICG with a consensus on the Constitution for Europe. The debate has been postponed until the Irish Presidency reopens the consultations.

High Representative for the CFSP into the Union Minister for Foreign Affairs with more competencies. Thanks to these steps, the EU will gain in credibility, efficiency as well as visibility. With respect to the construction of "*l'Europe de la Défense*", the weight of the big three is noteworthy. The rest of the Member States accepted the agreement of Britain, France and Germany, despite all the decisions previously taken within the European Convention or the proposals of the Italian Presidency during the IGC.

However, there are other questions that remain unsolved unless the EU wants to be paralyzed with 25 or more Member States. The preservation of unanimity as the basic rule of decision making in CFSP will make it difficult to advance in a common position of the EU, or to act promptly during an international crisis. For the moment, the decision making in EU External Action will depend on the capacities, abilities and willingness of the Member States to reach any agreement on every decision. Moreover, the clause on mutual defense agreed to by the European Convention has been watered down in order not to undermine the North Atlantic Alliance and its Article 5. The European Defense has been born, however it has been diluted by the more Atlanticist partners, according to some, or by pragmatism, according to others.

To sum up, we are not sure if the EU will speak with a single voice in foreign affairs. For the moment, it seems that the new EU Minister will have one telephone number as Kissinger demanded but maybe the answer of the Minister will not be as immediate as requested due to the multiple consultations he or she will be forced to make, even if less than until now the High Representative had to make. The Constitutional treaty, if concluded, will be a crucial step in the European construction, and the agreements on the External Action are an important part of this step.

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